

REMARKS

This amendment is responsive to the Office Action mailed June 1, 2005. In the Office Action, the U.S. Patent and Trademark (hereinafter, "the Office") rejected Claims 1-34 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,227,874 to Von Kohorn. Applicant has carefully considered the Von Kohorn reference and the comments provided in the Office Action. Applicant believes the Office has erred in rejecting the claims based on Von Kohorn for the reasons discussed below. Reconsideration and allowance of the claims in the present application are requested.

Claims 1-34 are pending in the application, of which Claims 1, 15, 19, 26, and 31 are independent claims. Claim 31 has not been amended, while Claims 1, 15, 19, and 26 have been amended as indicated above. Dependent Claims 2, 3, 11, 13, 16, 20-25 and 33-34 have also been amended as indicated above. It should be noted that the amendments to Claims 20-25 and 33-34 are provided only to correct claim dependencies and minor typographical errors which place the claims in better form for examination. All of the other claims in the application have not been amended.

As a preliminary matter, prior to addressing the patentability of the claims over the Von Kohorn reference, applicant notes that the June 1, 2005, Office Action was indicated as being final. However, in a follow-up conversation with the Examiner on July 13, 2005, the Examiner confirmed that the Office Action was, in fact, non-final and is therefore being treated as such herein.

As indicated above, applicant has carefully considered the Von Kohorn reference and submits that the claims presented herewith are patentable over the disclosure of Von Kohorn. Claim 1 is directed to a method that includes, in part, "correlating different sets of information to determine whether to provide a promotion" and "if the promotion is to be provided, providing a

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broadcast segment that displays information related to the promotion as part of an interactive video display transmission." Applicant does not find any teaching or suggestion of at least these elements of Claim 1 in the disclosure of Von Kohorn.

The disclosure of Von Kohorn is directed to measuring the impact of stimuli, such as a television, radio, or printed advertisements, on individuals and evaluates the short-term and long-term effectiveness of such stimuli. In all cases, Von Kohorn considers the presentation of a stimulus to a person as a given action and thereafter describes the actions taken when receiving an individual's response to the stimulus. See, for example, Col. 2, lines 43-64, and Col. 100, lines 23-31. Von Kohorn does not teach or describe correlating different sets of information to determine whether to provide a promotion and if the promotion is to be provided, then providing a broadcast segment that displays information related to the promotion as part of an interactive video display transmission, as claimed. Failing to disclose each and every element of Claim 1, the Von Kohorn reference does not support a *prima facie* rejection of Claim 1 under 35 U.S.C. § 102(b). Withdrawal of the rejection of Claim 1 and allowance of the same are respectfully requested.

Dependent Claims 2-14 are patentable for their dependence on allowable Claim 1, and for the additional subject matter recited therein. For example, Von Kohorn simply does not describe different sets of information used to determine whether to provide a promotion, wherein the different sets of information include a first set of data related to product data, a second set of data related to the broadcast segment, and/or a third set of data related to a user profile. (See, e.g., Claims 2 and 3 in the present application.)

As another example, Claim 9 in the present application includes, in part, "comparing a user's current transaction conducted via the interactive video display transmission to promotion information stored in a storage unit associated with the user, the promotion information

corresponding to at least one promotion previously provided to the user" and "if the at least one promotion corresponding to promotion information stored in the user's storage unit is applicable to the user's current transaction, providing all applicable promotions to the user." The portions of Von Kohorn cited in the Office Action as being applicable to Claim 9 are misapplied. Whether a user can print a credit or coupon, or whether a memory is provided for storing accumulated records, as alleged by the Office to be taught by Von Kohorn (Office Action, page 4, last two lines), does not anticipate these elements of Claim 9.

Claim 10 recites a further aspect in which the method comprises "changing a frequency of providing of promotions in response to a second command received from the user input device." The background information of Von Kohorn at Col. 1, lines 35-58, as cited in the Office Action, is not applicable to this aspect of Claim 10. Von Kohorn similarly fails to teach or describe a method further comprising "correlating a calendar entry in a calendar associated with the user, the calendar entry including information to provide the promotion," as recited in Claim 11. Von Kohorn's measuring of the results of an advertisement over time (Col. 107, lines 29-42), as cited in the Office Action, does not anticipate Claim 11.

As yet a further example, Claim 13 recites the method of Claim 1, the method further comprising "using information related to a user's previous use of the interactive video casting system to provide a promotion based on frequency of use of the interactive video casting system." This element of Claim 13 is not shown in the Von Kohorn reference.

In view of the above, applicant requests reconsideration and allowance of dependent Claims 2-14.

Independent Claim 15 is directed to an article of manufacture comprising a machine-readable medium having stored thereon machine-readable instructions to "correlate different sets of information to determine whether to provide a promotion" and "if the promotion is to be

provided, combine the promotion with a broadcast segment provided via an interactive video casting system." Von Kohorn does not teach or suggest at least these elements of Claim 15. Accordingly, Von Kohorn does not provide a proper basis for rejecting Claim 15 under 35 U.S.C § 102(b). Reconsideration and allowance of Claim 15 is requested.

Dependent Claims 16-18 are allowable for their dependence on Claim 15 and for the additional subject matter recited therein. For example, Claim 16 further recites that "the correlated sets of information includes at least two of a set of user profile data, a set of product data, or a set of broadcast segment data," which is not taught or suggested by Von Kohorn. Reconsideration and allowance of Claims 16-18 is requested.

Claim 19 is directed to a server for an interactive video casting system. The claimed server includes, in part, "a storage unit having different sets of information stored therein capable of being correlated to identify a promotion to be provided" and "a processor communicatively coupled to the storage unit, the processor capable to trigger correlation of the different sets of information stored in the storage unit to identify the promotion and to control insertion of the promotion into an interactive video display transmission." These elements of Claim 19 are not found in the Von Kohorn reference. As previously noted, Von Kohorn assumes that a stimulus or advertisement has already been provided and thereafter undertakes actions to measure the impact of these stimuli on persons. Nowhere does Von Kohorn provide a storage unit having different sets of information that are capable of being correlated to identify a promotion to be provided, nor does Von Kohorn teach or describe a processor capable to trigger correlation of the different sets of information to identify the promotion and to control insertion of the promotion into an interactive video display transmission. For at least the foregoing reasons, applicant contends that Claim 19 is patentable over Von Kohorn. Reconsideration and allowance of

Claim 19 is requested. Claims 20-25 are also allowable for their dependence on Claim 19 and for the additional subject matter recited therein.

Claim 26 is directed to a system that comprises "an interactive video casting network coupleable to a communications network" and "a server coupleable to the interactive video casting network." The server in the claimed system includes, in part, "a storage unit having different sets of information stored therein capable of being correlated to determine whether to provide the promotion" and "a processor communicatively coupled to the storage unit, the processor capable to trigger correlation of the different sets of information stored in the storage unit to determine whether to provide the promotion and, if the promotion is to be provided, then to control insertion of the promotion into the broadcast segment." As with Claims 1 and 15 above, applicant does not find any teaching or suggestion of at least these elements of Claim 26 in Von Kohorn. Where Von Kohorn fails to teach each and every aspect of Claim 26, the reference does not support a *prima facie* rejection of Claim 26 under 35 U.S.C. § 102(b). Reconsideration and allowance of Claim 26 is respectfully requested. Furthermore, Claims 27-30, which are dependent upon allowable Claim 26, are also allowable for their dependence on Claim 26 and for the additional subject matter recited therein.

Lastly, applicant has carefully considered the disclosure of Von Kohorn with respect to Claim 31 and respectfully contends that Claim 31, as originally presented in the application, is patentable over Von Kohorn. Von Kohorn does not teach or describe a method for providing targeted promotions via an interactive video casting system that includes, in part, "correlating information from a plurality of merchants with data on usage of the interactive video casting system by a viewer to provide a targeted promotion" and "providing information related to the promotion to the viewer by way of at least one portal of the interactive video casting system."

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Failing to disclose at least these elements of Claim 31, Von Kohorn does not anticipate Claim 31. Claim 31 therefore should be allowed.

Claims 32-34, which are dependent upon allowable Claim 31, are also patentable for their dependence upon an allowable base claim and for the additional subject matter recited therein.

CONCLUSION

The June 1, 2005, Office Action rejected Claims 1-34 as being anticipated by the disclosure of Von Kohorn. For the reasons discussed above, however, the Von Kohorn reference is deficient and does not anticipate each and every element of Claims 1-34. The claim rejections based on Von Kohorn are in error and should be withdrawn. All claims being in allowable condition, applicant requests a notice to that effect at an early date. Should the Examiner identify any issues needing resolution prior to allowance of the application, the Examiner is invited to contact applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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